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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/627,986	07/28/2003	Ross Michael Krill	PA-220	4118
7590 04/13/2004 MEREK, BLACKMON & VOORHEES, LLC 673 South Washington Street Alexandria, VA 22314			EXAMINER SMITH, MATTHEW J	
			ART UNIT 3672	PAPER NUMBER
DATE MAILED: 04/13/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/627,986

Applicant(s)

KRILL, ROSS MICHAEL

Examiner

Matthew J. Smith

Art Unit

3672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-12 is/are rejected.
- 7) ☒ Claim(s) 2 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 20030728.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

### ***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "compressor driven by an electric or hydraulic motor and . . . one or more remote . . . engines" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3-5, 8, 10-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Gower (3579308).

Gower discloses a method of producing a pressurized stream of inert gas by collecting at least a portion of the exhaust gas, through line 92, from an internal combustion engine 10 which drives, via crankshaft 28, compressor 36; directing the exhaust gas, through outlet 35, to the intake of the compressor that compresses the exhaust gas to a pressure above atmospheric (col. 4, line 47); recirculating a portion of

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the compressed exhaust gases, through conduit 88, back into the compressor intake to maintain the pressure above atmospheric (col. 4, 36-46); increase the volumetric throughput of the compressor to generate a volume of exhaust gas that matches the compressor input requirements (col. 4, lines 61-75, col. 5, lines 1-9); and valve 90 to control the re-circulated compressed exhaust gas volume.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gower in view of Arnaud et al. (2003/0168211) and McJones (3623827).

Gower discloses a method of producing a pressurized stream of inert gas having a recirculation circuit to prevent air from entering the system but not driving the compressor with an electric motor or a remote internal combustion engine.

McJones describes operating a compressor with an electric motor or internal combustion engine (col. 2, lines 6-7) in a system for handling gases. Arnaud et al. present remote inert gas source (paragraph [0054]) in a system employing inert gases injected into underground oil-bearing formations.

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It would have been obvious to a person having ordinary skill in the art at the time the invention was made to drive the Gower compressor with an electric motor, as described by McJones, and use a remote inert gas source, as presented by Arnaud et al., in order to efficiently or conveniently operate the Gower system (McJones, col. 2, lines 14-15; Arnaud et al. (paragraph [0003]).

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gower in view of Bruce et al. (3815673).

Gower discloses a method of producing a pressurized stream of inert gas having a recirculation circuit to prevent air from entering the system but not monitoring the gas pressure.

Bruce et al. present monitoring gas pressure, with sensor 35, at a compressor intake.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to monitor the gas pressure of the Gower system, as presented by Bruce et al., in order to closely control the pressure gradient (Bruce et al., col. 4, lines 63-64).

Claims 7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gower in view of Moody (5663121).

Gower discloses method of producing a pressurized stream of inert gas having a recirculation circuit to prevent air from entering the system but not a plurality of engines.

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Moody displays a plurality of engines (col. 6, line 14).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to use a plurality of engines in the Gower system in order to provide more exhaust gas as displayed by Moody.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew J. Smith whose telephone number is 703-305-5135. The examiner can normally be reached on T-F, 9-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David J. Bagnell can be reached on 703-308-2151. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



David Bagnell  
Supervisory Patent Examiner  
Art Unit 3672

MJS *MJS*  
19 March 2004